Gazette No. 21 dated 21st May 1957.
PART I **Section ii**

Public (Special) Department

No. P(S)3-12548|57|PD.

NOTIFICATION

Dated, Trivandrum the 13th May 1957.

The following Notification No. 11|45|55-Judl. 1, dated 23rd October 1956 issued by the Government of India, Ministry of Home Affairs, is republished in the Kerala Gazette for general information.

By order of the Governor,
N. E. S. RAGHAVACHARI,
Chief Secretary.

No. 11|45|55-Judl. 1.

Government of India

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 23rd October 1956.

NOTIFICATION

In exercise of the powers conferred by section 24 of the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954), the Central Government hereby makes the following Rules, namely:—

1. These Rules may be called the High Court Judges, Travelling Allowance Rules, 1956.

"1A. **Definition.**—In these rules "Judge" includes an acting Judge and an additional Judge".

2. (1) When a Judge travels on duty, he is entitled—

(a) when travelling by railway, to a reserved two-berth compartment of the highest class including air-conditioned, and if one such compartment is not available then to a reserved four-berth compartment of the highest class (but excluding air-conditioned) and the fares at lowest class rates actually paid for servants not exceeding two in number;

(b) when travelling by a steamer service, to one reserved first-class cabin, if available, or to the fare actually paid for himself, and the fares at lowest class rates actually paid to the steamer service for servants not exceeding two in number subject to usual deductions on account of messing charges;

(c) when travelling by a public air transport service, to the fare paid for himself and, if actually paid, the cost of transporting up to two maunds of luggage by rail at passenger rates, or steamer and the railway or steamer fares of the lowest class for servants not exceeding two in number, and the expenditure actually incurred on the transport by road of servants or luggage upto a maximum of 8 annas per mile of that part of the journey by road for which no allowance is claimed under clause (d) of this sub-rule;

(d) when travelling by road, to an allowance at the rate of Re. 1 per mile:

Provided that—

(i) no such allowance shall be payable in respect of that portion of a journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (c) for the air journey;

(ii) no mileage allowance shall be admissible for journeys undertaken within a radius of five miles from the residence of the Judge or for a journey between such residence or temporary residence and the place of sitting of the High Court or of a Bench of the High Court; and

(iii) where daily allowance is admissible and is claimed for any day, no mileage allowance shall be admissible in addition in respect of any journey undertaken by road within a radius of five miles from the temporary residence of the Judge at the place of halt;

(iv) no such allowance shall be payable in cases where the Judge uses transport provided at Government expense;

(c) to a daily allowance at the rate of Rs. 15 in respect of any period (including Sundays and other holidays) of halt on duty outside his headquarters:

Provided that—

(i) when a Judge is required to perform functions outside his normal duties in localities away from his headquarters he may, subject to such conditions as the President may in each case determine, be granted daily allowance not exceeding Rs. 25 in respect of ordinary localities and daily allowance not exceeding Rs. 30 and transport charges not exceeding Rs. 10 per day in respect of specially expensive localities, like Bombay, Calcutta or any other locality so declared hereafter by the President;

(ii) when a Judge is required to perform similar functions, whether part-time or whole-time in his own headquarters, he shall not be paid any allowance or charges unless the special work involves extra expense in which case he may be granted such allowance not exceeding Rs. 25 per day as the President may in each case determine;

(iii) when a Judge is a State guest, the daily allowance shall be restricted to 25 per cent. of the amount admissible or sanctioned;

(iv) when a Judge proceeds on duty to the Andaman and Nicobar Islands, the period from the date of his departure from the mainland to the date of his return to the mainland shall be treated as a period of halt on duty;

(f) to the expenditure, if any, actually incurred on the transport by passenger train or steamer at owner's risk of a motor car, and the fare at lowest class rate actually paid to a railway or steamer service in respect of one driver or cleaner for the car.

(2) If any persons (other than servants) accompany a Judge in a compartment or cabin reserved for him under sub rule (1), fares shall be payable by him on their account, and the fares so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credited to Government.

(3) For the purposes of this rule—

(i) all journeys to and from headquarters shall be deemed to commence and terminate at the Judge's residence at headquarters or, as the case may be, at an out-station;

(ii) a Judge shall be deemed to be travelling on duty when, during a vacation of the High Court, he proceeds from any place in India where he was spending the vacation for the purpose of doing duty in the High Court and returns to such place after completion of such duty.

3. (1) When a Government servant, appointed to be a Judge travels by railway to join his post, he may, at his option and in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer applicable to him, travel in a reserved compartment of the highest class, excluding air conditioned.

(2) A Government servant availing himself of this concession must pay to Government the fare which he would have paid if no accommodation had been reserved, and must, in addition, pay in cash to the station master of the station from which the journey commences, the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

Explanation.—For purposes of rules 3, 4, 5 and 6 a reserved compartment means a two-berthed compartment or a four-berthed compartment if a two-berthed compartment is not available in the train by which a Judge travels.

4. When a person not already in Government service is appointed to be a Judge, he may, when travelling by railway to join his post, travel in a reserved compartment of the highest class, excluding air conditioned and subject to the conditions prescribed in sub-rule (2) of rule 3.

5. When a Judge—

(a) proceeds on, or returns from, leave or

(b) proceeds on, or returns from, vacation spent outside India, or

(c) retires from service, or

(d) proceeds to join another post after resigning office,

he may when travelling in a railway, travel in a reserved compartment of the highest class, excluding air conditioned and subject to the conditions prescribed in sub-rule (2) of rule 3:

Provided that in the case of a journey on retirement from service this entitlement will lapse if the journey is not completed within six months from the date of retirement.

6. When a Judge is transferred from one High Court to another, or from or to the place of the principal seat of the High Court to or from a place where a Bench of the High Court is permanently located he shall be entitled to the expenditure actually incurred by him on his journey for the transport of—

(a) when travelling by rail or by steamer—

(i) the Judge himself, by a reserved compartment or cabin of the highest class, excluding air conditioned;

(ii) members of his family not travelling in the reserved compartment or cabin, in the highest class of accommodation excluding air conditioned;

(b) when travelling by road—

(i) the Judge himself at the rate of Rs. 2 per mile;

(ii) for every member of his family accompanying him upto a maximum of four members at the rate of 8 annas per mile:

Provided that when any portion of the journey can be performed by railway, the allowance claimed in respect of that portion shall not exceed the amount admissible had the Judge and the members of his family travelled on such portion by railway by the highest class, excluding air-conditioned;

(c) when travelling by air, the Judge himself and the members of his family by a public air transport service;

(d) personal servants, not exceeding four in number, by passenger train or steamer or by public road transport service at lowest class rates;

(e) one motor car, by passenger train or steamer at owner's risk; and

(f) other personal effects, not exceeding the expenditure which would be incurred in the transport of 60 maunds of goods by road and by goods train or steamer, and the expenditure incurred in embarking and disembarking such personal effects.

Explanation.—For the purpose of this rule, members of a Judge's family means his wife, his children and his step-children, normally residing with and wholly dependent on him.

7. Where by reason of a change in the principal seat of the High Court a Judge changes his ordinary place of residence, he is entitled to the same allowances as on transfer from one High Court to another.

8. *Repeal and Savings.*—(1) The High Court Judges (Part A States) Travelling Allowance Rules, 1950, are hereby repealed.

(2) Notwithstanding such repeal, nothing contained in these rules shall have effect so as to give to a Judge who is serving as such at the commencement of these rules less favourable terms in respect of his travelling and daily allowances than those to which he would be entitled if these rules had not been made.

M. GOPAL MENON,
Deputy Secretary to the Government of India.

PART I.

Labour and Local Administration Department

NOTIFICATION

No. L. Dis. 6555/57/L & LAD.

Dated, Trivandrum, 13th May 1957.

The award of the Industrial Tribunal, Alleppey in respect of the dispute between the management of Kerala Bakery, Zilla Court Ward, Alleppey and their workmen represented by the Thiruvithamcore Mercantile Employees Association, Alleppey received by Government on 7th May 1957 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. I. Jacob,
Secretary.

Before the Industrial Tribunal, Alleppey.

Present:

Sri K. Shahul Hameed.

In

INDUSTRIAL DISPUTE No. 47 OF 1956.

Between

Sri. M. HAMEED,

Proprietor, Kerala Bakery, Zilla Court Ward, Alleppey

and

THE WORKERS OF THE SAID CONCERN

Represented by the Thiruvithamcore Mercantile Employees Association, Alleppey.

Representation:

For management Sri C. K. Parameswara Panicker, Advocate, Alleppey.

For Thiruvithamcore Mercantile Employees Association, Sri M. P. Menon, President and Sri V. V. Joseph, Advocate, Alleppey.

AWARD

1. The Government of the former Travancore-Cochin State had originally referred the abovesaid industrial dispute for adjudication to the Industrial Tribunal, Trivandrum by their Order L2-10143/55/DD dated 1-6-55 and it was pending disposal before it as I. D. 101/55. Subsequently the selfsame dispute was referred to this Tribunal for adjudication by Government Order No. L. Dis. 10143/55/DD dated 17-5-1956. The issues mentioned in the annexure to the order of reference are these:—

(i) Whether the workers Messrs. N. L. Antony and K. Bhaskaran are to be paid any bonus for each of the years 1952, 1953 and 1954? If so what is the total amount due to each of them under this item?

(ii) To what reliefs are the workers Messrs. N. L. Antony and K. Bhaskaran entitled if—

(a) the closure of the Bakery is justifiable ? and

(b) the closure is not justifiable ?

2. On receipt of the Government order of reference I took cognisance of the above said dispute as I. D. 47/56 on my file and issued summons for parties on 19-3-56. The parties entered appearance before me on 4-6-56. The Union had put in their claim statement before the Trivandrum Tribunal on 15-7-55. The management also had filed their counter statement before the same Tribunal on 25-7-55. The parties stated in writing before this Tribunal that they do not claim any *de novo* trial. Accordingly I proceeded with the adjudication.

3. The claims of the union may be summarised thus The proprietor of Kerala Bakery laid off the employees under him with effect from 15-2-55 and ultimately on 15-3-55 declared complete lock-out. No valid reason was given for this step nor the claims of the workmen settled. This gave rise to a trade dispute. The Assistant Labour Commissioner and Conciliation Officer, Alleppey, held a conciliation conference and on failure to arrive at an amicable settlement Government referred the dispute for adjudication. Under issue No. I the union claimed that bonus equal to three months salary be paid to each of the workman for each of the years 1952, 1953 and 1954. The Bakery was doing good business all those years and the proprietor had been earning comfortable profits. The workmen have been paid wages below the subsistance level. The gap between the actual wages and living wages was considerable and bonus alone can fill up the gap. Therefore they demanded bonus at the rate of 3 months salary. Regarding issue No. II the Union stated that the closure of the Bakery is unjustifiable. There was no financial reason for closing down. It was a vindictive step taken up by the management with a view to vict mising the workers who were active members of the Union. Therefore the Union demanded that workers should be paid gratuity at the rate of one month's salary each for each year of service with a condition that they would be reinstated if and when the bakery reopens. The management on the other hand contended that they had started the Bakery in September, 1952 only as a temporary measure to support a poor dependant thrown out of employment; that they had invested the meagre amount of Rs. 1,630 upon the business; that workman Sri N. L. Antony was taken as a daily-rated workman on Rs. 1-12-0; that he voluntarily abandoned his work in November 1952; that he again returned to work in February 1953; that Sri Bhaskaran also joined as a daily paid worker at the rate of Rs. 1-8-0; that the proprietor had left everything to these workmen; that they were mismanaging the bakery and misappropriating the proceeds; that so much so when he found that even his small investment was being eaten away he was compelled to close down the whole show after settling all accounts with the workmen and that they are not entitled to any relief as against the management.

4. On 4-6-56 Sri. K. Bhaskaran the workman mentioned in issue No. I filed a petition before me supported by an affidavit

to the effect that he had resigned from the Union with effect from May 1955; that he had received Rs 50 from the management in full settlement of all his claims; and that he claimed no relief against the management in these proceedings. I ordered notice on this petition to the workman Sri K. Bhaskaran and Secretary Sri M. Sivan Pillai. They were put in the box and examined. The Secretary had no objection in allowing the prayer of the workman and Sri Bhaskaran spoke in full support of the petition. In the result I accepted the compromise and disposed of the issues in relation to Sri K. Bhaskaran in terms of the compromise petition. Workman Sri N. L. Antony continued the adjudication single handed. He was examined on 22-9-56 and when it came up for further evidence on 29-4-57 fortunately the parties showed a spirit of compromise. The following joint statement was signed by them and put in court.

"Before the Industrial Tribunal, Alleppey.

In the matter of I. D. 47 of 1956.

Joint statement filed by:—

1. The workman N. L. Antony, and
2. The Proprietor, H. Hameed, Kerala Bakery, Alleppey.

The parties have settled the matter between themselves. The workman N. L. Antony receives today rupees 60 only in full settlement of all his claims raised under the two issues in this adjudication.

Hence it is prayed that the Tribunal may be pleased to pass an award accordingly.

Dated: 29-4-1957.

1. N. L. Antony, Workman (Sd.)
2. Advocate for the workman Sri V. V. Joseph (Sd.)
3. Proprietor Sri M. Hameed (Sd.)
4. Advocate for Proprietor, Sri C. K. Parameswara Panicker (Sd.)

5. Compared to the settlement with Sri K. Bhaskaran, I should say the terms are more advantageous to Sri N. L. Antony. Both of them have been benefited. Therefore I accept this compromise also and dispose of the whole reference accordingly. No order as to costs. This award will come into operation from the date of its publication in the official Gazette.

Alleppey,
4-5-57.

K. Shahul Hameed,
Industrial Tribunal.

Gazette No. 21 dated 21st May 1957.

PART I

GOVERNMENT OF KERALA

Labour and Local Administration Department (Panchayat)

No. LS. 8-6436|57|L & LAD.

Dated, Trivandrum, 10th May 1957.

NOTIFICATION.

S. R. O. 36.—The following bye-laws made by the Kaduthuruthy Panchayat under Section 12(1) of the Travancore-Cochin Local Authorities Entertainment Tax Act (Act IV of 1951), which have been approved by Government under Section 12 (3) of the said Act are hereby published for general information.

BYE-LAWS

1. In these bye-laws, "Act" means the Travancore-Cochin Local Authorities Entertainment Tax Act (VI of 1951).

2. These bye-laws shall come into force immediately after their publication in the Government Gazette.

3. The Local Authorities Entertainment Tax Rules, 1951, issued by Government under Sec. 11 of the Act shall be strictly followed.

4. The Kaduthuruthy Panchayat shall levy entertainment tax at the rate of 12½% under Section 3 of the Act on all payments for admission to every entertainment held within the Panchayat area unless exempted specially from payment of tax under Sections 7(1) & (3) of the Act. The tax due for an entertainment shall be paid into the Panchayat office before 12 noon on the next working day.

5. (a) Notwithstanding anything contained in the bye-law No. 4 above, the Panchayat may compound the tax payable in respect of any entertainment for a consolidated payment under Sec. 4 of the Act.

Provided, the consolidated payment shall be paid in such instalments as may be decided by the Panchayat.

(b) Ordinarily the tax may be compounded for a period of three months at a time for amounts which shall not be less than 75% of the probable estimate of tax payable under Section 3 of the Act.

(c) Any Proprietor or Manager of an entertainment the tax in respect of which is compounded as said above, shall furnish to the Panchayat either a weekly or a monthly return as decided by the Panchayat showing (separately for each class of payments) the gross sum received by him on account of payments for admission to the entertainment.

G. 1669

6. The Proprietor or Manager of an entertainment or series of entertainments shall, not less than three days before the commencement of the entertainment or the first of a series of entertainments apply to the Panchayat for permission to hold the entertainment or entertainments as the case may be, with full particulars such as:—

1. name and address of the Proprietor;
2. the place, time and duration of the entertainment;
3. classes of accommodation and the rates of payment for admission; and
4. the manner in which admissions will be regulated and checked and other details as may be called for by the Panchayat:

Provided the application for permission to hold an entertainment shall be liable to be summarily rejected, if the particulars required by bye-law No. 6, are not duly and properly furnished. The Panchayat may grant permission in other cases, subject to such conditions and restrictions as the Panchayat may think necessary.

7. Every permission granted under the above bye-law shall specify the period for which and the restrictions, subject to which and conditions, subject to which the permission is granted and shall be signed by the Executive Authority.

8. (a) The Proprietor or Manager of an entertainment shall in the case of entertainment for which admission will be by tickets, produce all tickets for admission before the Executive Authority, not less than 24 hours before the commencement of the entertainment along with a statement showing the numbers of tickets under the different classes, the rate of payment for admission in each class and the particulars of complimentary tickets or free passes proposed to be issued.

(b) The complimentary tickets or free passes shall not exceed 5% of the seating capacity of the respective classes.

9. (a) the Executive Authority shall return the tickets duly sealed or stamped and shall make arrangements for the collection and remittance of the tax. All directions which the Executive Authority may issue in this behalf shall be followed and complied with by the Proprietors of the Entertainment.

(b) In case separate stamps or labels denoting tax are decided to be issued, the Executive Authority shall arrange for selling the stamps or labels to the Proprietor or Manager on payment of the full price thereof, in any case tickets not bearing the Panchayat seals or stamp or label shall not be issued for admission to any entertainment by its proprietor.

10. The Proprietor shall furnish cash security as may be decided by the Panchayat to ensure the due and prompt payment of the tax and the security so furnished shall be refunded to him on remittance of the tax in full or adjusted towards the final payment of the tax if he so chooses.

11. No proprietor shall, when once the tax has been compounded under Section 4 of the Act alter the rate of admission to the different classes of seats and such other particulars

previously furnished to the Executive Authority without the previous sanction of the Panchayat.

12. No entertainment shall be held between 2 A. M. & 6 A. M. without the previous sanction of the Panchayat.

13. (a) The Proprietor shall make necessary arrangements for keeping or producing on demand counterfoils of tickets and other documents as directed by the Executive Authority.

(b) The Proprietor shall keep a register, of payments for admission the tax collected, remitted, in the form prescribed for the purpose, if so required, by the Executive Authority.

14. The Executive Authority or any person authorised by the Panchayat shall enter any place of entertainment, when the entertainment is proceeding and in any place ordinarily used as a place of entertainment at any reasonable time to check the tickets for admission or the accounts thereof, and see whether the provisions of the Act, Rules or Bye-laws are strictly followed.

15. Breach of any of the above bye-laws shall be punishable with fine which may extend to Rs. 50 (fifty) and in case of continuing breach with fine which may extend to Rs. 15 (fifteen) for every day during which the breach continues after conviction for the first breach.

By order of the Governor,
(Sd.)
Assistant Secretary.